

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Winmark Corporation, )  
Plaintiff-Counterdefendant, ) Civil Action No. 05-CV-00953 (MJD/SRN)  
v. )  
Winmark Equipment Finance, LLC, )  
Defendant-Counterclaimant. )  
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)

**ORDER**

On consideration of the parties' Stipulation of Dismissal, which is herein incorporated by reference,

**IT IS HEREBY ORDERED:**

1. The Complaint and Counterclaims in this action are dismissed without prejudice;  
and
2. Each party is to bear its own costs and attorney's fees.

Dated: February 8, 2006

s / Michael J. Davis  
The Honorable Michael J. Davis  
United States District Judge  
District of Minnesota